

Notice of Allowability

Application No.

10/642,452

Examiner

Nasser Ahmad

Applicant(s)

ADAMS ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/5/06.
2. ☒ The allowed claim(s) is/are 10-15 and 18-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/15/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael H. Brodowski on 8/17/2006.

The application has been amended as follows:

Claims 10 and 22, line 7, after "contacting", the phrase - -the adhesive on- - has been inserted.

Claim 10, line 13, the phrase "substantially separated by perforations" has been replaced by - -separated by the first portion and by perforations between the first portion and second portion, and by perforations between the first portion and the third portion- -.

Claim 22, line 15, the article "and" has been deleted.

Claim 22, line 17, after "adhesive", the phrase - - wherein the second and the third portions are separated by the perforations and the first portion- - has been added.

2. The following is an examiner's statement of reasons for allowance:

A review of applicants' arguments made in the amendment filed on 6/5/2006 and a review of the instant amended claims has convinced the examiner that the claims are allowable over the prior art of record. The prior art fails to teach or suggest a method of

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making a label including the steps of deadening a first portion of the adhesive on the back side of a label, applying ink to the deadened portion and contacting the adhesive with a release liner, (i) forming a label comprising a first, second and third portions, with both the second and third being adhesive portions that are in proximate to the first deadened portion and are separated by the first portion and perforations; or (ii) perforating the interface between the first portion and the second portion, and perforating the interface between the first portion and the third portion forming a label comprising a first, second and third portions, with both the second and third being adhesive portions that are in proximate to the first deadened portion and are separated by the first portion and the perforations. Also, no evidentiary support could be provided to support the position that the instant claimed invention would have been obvious to one having ordinary skill in the art.

The closest prior art SCHULLER (US 20050055637A1) teaches a method of making a label comprising a first, second and third portions (figures 4A and 4B) but fails to teach that the second and third portions are separated by the first portion and perforations.

KORONDI (5702127) teaches a method making a label comprising first, second and third portions (figure-1) but fails to teach the step of applying ink to the first portion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably


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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasser Ahmad
Primary Examiner
Art Unit 1772

N. Ahmad.
August 18, 2006.

Continuation of Attachment(s) 9. Other: Drawing filed on 8/15/2003 are acceptable to the examiner.

Application: 10/642,452

GAU: 1772

Date of Review: 09/13/2006

Concern: 102 103 ODP 112, 1st 112, 2nd other

Explanation:

No comments. HV

Result (circle one): Reopened Amended **Allowed w/o changes**

Date of Result: 09/13/2006